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Testimony of the Office of MaineCare Services
Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In Support of LD 1040, *An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members*

Hearing Date: April 12, 2023

Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services, my name is Michelle Probert. I am the Director of the Office of MaineCare Services. I am here today to speak in support of LD 1040, *An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members*.

This bill prohibits the MaineCare program from discriminating in its reimbursement for medically necessary treatment on the basis of a MaineCare member's gender identity, gender expression, or on the basis that the MaineCare member is a transgender individual and requires that the program cover medically necessary treatment for or related to gender dysphoria.

In June 2019, MaineCare adopted an emergency rule to reverse the previous policy of non-coverage for services related to gender transition, to explicitly require reimbursement to providers for the provision of MaineCare-covered services prescribed by a medical professional in relation to gender dysphoria. Medical necessity of such services is to align with national standards, such as the Standards of Care of the World Professional Association for Transgender Health. These changes align with the subsequent Health and Human Services announcement in May 2021 that the prohibition of discrimination on the basis of sex under Section 1557 of the Affordable Care Act shall also apply to discrimination on the basis of sexual orientation and gender identity.

The legislation is needed to protect the coverage from future administrative changes on the state or federal level by requiring legislative approval to reverse it.

I will be happy to answer any questions you have and will plan to attend the work session.